

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL BAIL APPLICATION NO. 2968 OF 2018

Anil Hiranman Salve	... Applicant
Vs.	
State of Maharashtra	... Respondent

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Mr. Prasanna K. Shahane for the applicant.
Mr. S.R. Agarkar, APP for the Respondent-State.
Mr. V.S. Pawar, API, Khadakpada Police Station is present.

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**CORAM : PRAKASH D. NAIK, J.
DATE : 12th FEBRUARY, 2019.**

P.C.

1. This is an application for bail in connection with CR No. I-273 of 2018 registered with Khadakpada Police Station for the offence punishable under Sections 304(B), 498(A), 306, 406 read with 34 of Indian Penal Code.

2. The case of the prosecution is that the marriage between the applicant and the deceased was solemnized on 21st January, 2018. She has committed suicide on 9th August, 2018. Applicant had given information to the police about the suicide committed by his wife by hanging to the ceiling fan in his house on 9th August, 2018. Subsequently on 11th August, 2018 the statement of uncle of the

deceased was recorded. In the said statement it was stated that the victim used to complain about the harassment caused to her by the applicant. It is also alleged that in July, 2018, the victim had informed that applicant had assaulted her and pursuant to that she had undergone miscarriage. On completing investigation, chargesheet has been filed.

3. Learned counsel for the applicant submitted that the applicant is a police constable. He is in custody from the date of arrest. Chargesheet is already filed. Allegation of the First Information Report are afterthought. Learned counsel for the applicant pointed out the statement of the Aunt of the deceased who is residing in the neighbourhood and submitted that statement of the said witnesses does not refer to any grievance being made by the deceased to her. There is no evidence to support that the victim had undergone miscarriage on account of assault made by the applicant.

4. Learned APP submitted that the statement of the uncle of the deceased attributes the act of harassment to the applicant which compelled the deceased to commit suicide. It is submitted that the deceased was pregnant at the time of incident. Learned APP pointed out statement of the uncle of the deceased recorded under

Section 164 of Code of Criminal Procedure on 28th August, 2018. In the said statement he has stated that accuse used to assault and abuse the victim since he had kicked the deceased, there was miscarriage. He has also stated that the Stridhan of the deceased was taken over by the accused.

5. I have perused the chargesheet. Alleged incident had occurred on 9th August, 2018, the applicant had given information to the police immediately after the incident. Statement of the uncle of the deceased was recorded on 11th August, 2018 wherein the allegation as stated above were made in the application. However, the record does not indicate that on 9th August, 2018 any grievance was made by the uncle or any other relative of the deceased with regards to the conduct of the applicant. There is no evidence to indicate that the victim had undergone miscarriage on account of assault by applicant. There is variation in the statement of the uncle of the deceased recorded under Section 164 of Code of Criminal Procedure and the statement earlier recorded under Section 161 of Code of Criminal Procedure. Investigation is already completed and the chargesheet has been filed. Applicant who is police constable is also suspended. Considering the aforesaid circumstances, bail can be granted to the applicant.

Hence, I pass the following order.

ORDER

- i. Criminal Bail Application is allowed;
- ii. Applicant is directed to be released on bail in connection with CR No. I-273 of 2018 registered with Khadakpada Police Station on furnishing P.R. Bond in the sum of Rs.25,000/- with one or more sureties in the like amount;
- iii. Applicant shall report to the Investigating Officer of the concerned police station on first Saturday of every month between 11 a.m. to 1 p.m. till further order;
- iv. Criminal Bail Application stands disposed off.

(PRAKASH D. NAIK, J.)